

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court Southern District of Indiana on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. 1:08-cv-1071	DATE FILED 8/8/2008	U.S. DISTRICT COURT Southern District of Indiana
PLAINTIFF FANIMATION, INC.		DEFENDANT DAN'S FAN CITY, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 See Complaint		
2 D 475,450		
3 D 517,683		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY			
	<input type="checkbox"/> Amendment	<input type="checkbox"/> Answer	<input type="checkbox"/> Cross Bill	<input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK		
1				
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5				

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK <i>James A. Rogers</i>	(BY) DEPUTY CLERK <i>Philip A. Hudson</i>	DATE 8/20/2008
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3 - Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FILED
DISTRICT COURT
INDIANAPOLIS DIVISION
08 AUG -8 PM 4:01
CLERK
LAURA A. BEIGGS

FANIMATION, INC.
an Indiana Corporation,

Plaintiff,

v.

DAN'S FAN CITY, INC.
a Florida Corporation

Defendant.

1 : 08-cv-1071-RLY-JMS

Case No. _____

DEMAND FOR JURY TRIAL

COMPLAINT

This is an action for design patent infringement brought by Plaintiff Fanimation, Inc. ("Fanimation" or "Plaintiff") against Defendant Dan's Fan City, Inc. ("Dan's Fan City" or "Defendant"), arising under the patent laws of the United States, Title 35 of the United States Code. For its complaint against Defendant, Plaintiff Fanimation alleges:

THE PARTIES

1. Plaintiff Fanimation is a corporation organized and existing under the laws of the State of Indiana, located at 10983 Bennett Parkway, Zionsville, Indiana 46077.
2. Upon information and belief, Defendant Dan's Fan City is a corporation organized under the laws of the State of Florida, located at 300 Dunbar Avenue, Oldsmar, Florida.

JURISDICTION AND VENUE

3. This action involves claims arising under the patent laws of the United States, including 35 U.S.C. §§ 271, 281, 283, 284, 285 and 289.

4. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

5. This Court has personal jurisdiction over Defendant Dan's Fan City because, upon information and belief, Defendant has committed acts that have caused tortious injury in this Judicial District.

6. Venue in this district is proper pursuant to 28 U.S.C. §§ 1391 and 1400.

BACKGROUND

7. Plaintiff Fanimation is a leading United States designer, manufacturer, and distributor of electric ceiling fans for residential and commercial uses. Fanimation is well known in the architectural and interior design industries as an innovative producer of unique fan and fan-blade designs.

8. Since as early as 1978, Fanimation and its predecessors-in-interest, Casablanca Fan Co. ("Casablanca") and Fanimation Design & Manufacturing, Inc. ("FDM"), have been producers and distributors of ceiling fans in the United States.

9. Fanimation owns U.S. Design Patent No. D475,450 ("the '450 Patent"), which was filed September 20, 2001 and issued June 3, 2003. The '450 Patent claims the ornamental design for a ceiling fan. A copy of the '450 Patent is attached hereto as Exhibit A.

10. The entire right, title, and interest in and to the '450 Patent was assigned to FDM on November 21, 2003. (Attached hereto as Exhibit B.) This assignment was recorded with the United States Patent and Trademark Office on January 5, 2004. FDM amended its Articles of Incorporation on March 26, 2004 to change its name to Fanimation, Inc. ("Fanimation"). (Attached hereto as Exhibit C.)

11. Fanimation further owns U.S. Design Patent No. D517,683 ("the '683 Patent"), which was filed December 29, 2003. A copy of the '683 Patent is attached hereto as Exhibit D. On March 21, 2006, the '683 patent was duly issued to Fanimation as the assignee. The '683 Patent claims the ornamental design for a fan blade for a ceiling fan.

12. Fanimation has also been and currently is producing and distributing ceiling fans with fan blades that embody the claimed design of the '683 Patent.

13. Fanimation has provided Defendant with written and actual notice of infringement of the '450 and '683 Patents at least as early as January 10, 2008. (Correspondence attached hereto as Exhibit E.)

DEFENDANT'S ACTIVITIES

14. Upon information and belief, Dan's Fan City operates several retail locations across various states, both directly and through relationships with franchisees of Dan's Fan City.

15. Upon information and belief, Dan's Fan City, through these retail locations, is in the business of making, using, offering for sale, selling and/or importing, *inter alia*, ceiling fans and ceiling fan blades.

16. Upon information and belief, Dan's Fan City, without Fanimation's authorization, has been, and is presently making, using, offering for sale, selling, and/or importing fan products in the United States that incorporate the inventions of the '450 and '683 Patents. These fan products include ceiling fans and ceiling fan blades that incorporate the inventions of the '450 and/or '683 Patents.

17. Upon information and belief, Dan's Fan City, without Fanimation's authorization, has been, and is presently applying the patented designs of the '450 and '683 Patents, or

colorable imitations thereof, to fan products for the purpose of selling such products and has been or is presently selling or exposing for sale such products. These fan products include ceiling fans and ceiling fan blades that incorporate the inventions of the '450 and/or '683 Patents.

18. Dan's Fan City's actions with regard to its Bombay model fan (42" Sweep model in all colors) (the "Bombay Fan") infringe the '450 Patent.

19. Dan's Fan City's actions with regard to its Palm Breeze II model fan (48" and 56" Sweep models with cherry, dark, and light woven bamboo blades) (the "Palm Breeze II Fan") infringe the '683 patent.

20. Dan's Fan City's actions with regard to its Twin Star II model fan (32", 35", 46", 50", and 54" Sweep models with cherry, dark, and light woven bamboo blades) (the "Twin Start II Fan") infringe the '683 Patent.

21. Dan's Fan City's actions with regard to its Palm Bay model fan (48" and 56" Sweep models with cherry, dark, and light woven bamboo blades) (the "Palm Bay Fan") infringe the '683 Patent.

22. Defendant's actions with regard to the Bombay Fan, the Palm Breeze II Fan, the Twin Star II Fan, the Palm Bay Fan and any other applicable products made, used, offered for sale, sold, and/or imported by the Defendant that apply the patented designs of the '450 and '683 Patents, or colorable imitations thereof, infringe the '450 Patent and/or the '683 Patent.

23. Defendant's actions with regard to the Bombay Fan, the Palm Breeze II Fan, the Twin Star II Fan, the Palm Bay Fan and any other applicable products that apply the patented designs of the '450 and '683 Patents, or colorable imitations thereof, for the

purpose of selling such products and/or any sales or exposure for sale of such products subjects Defendant to liability under 35 U.S.C. § 289.

COUNT I
INFRINGEMENT OF U.S. DESIGN PATENT D475,450

24. Fanimation hereby incorporates by reference paragraphs 1-23 as though expressly stated herein.

25. Claim 1 of the '450 Patent reads on the Bombay Fan.

26. Defendant has infringed and will continue to infringe claim 1 of the '450 Patent by making, using, selling, offering for sale, and/or importing the Bombay Fan, and Defendant will continue to do so unless enjoined by this Court.

27. Upon information and belief, Defendant's infringement of the '450 Patent has been willful and deliberate.

COUNT II
INFRINGEMENT OF U.S. DESIGN PATENT D517,683

28. Fanimation hereby incorporates by reference paragraphs 1-27 as though expressly stated herein.

29. Claim 1 of the '683 Patent reads on the Palm Breeze II Fan.

30. Defendant Dan's Fan City has infringed and will continue to infringe claim 1 of the '683 Patent by making, using, selling, offering for sale, and/or importing the Palm Breeze II Fan, and Defendant will continue to do so unless enjoined by this Court.

31. Claim 1 of the '683 Patent reads on the Twin Star II Fan.

32. Defendant Dan's Fan City has infringed and will continue to infringe claim 1 of the '683 Patent by making, using, selling, offering for sale, and/or importing the Twin Star II Fan, and Defendant will continue to do so unless enjoined by this Court.

33. Claim 1 of the '683 Patent reads on the Palm Bay Fan.

34. Defendant Dan's Fan City has infringed and will continue to infringe claim 1 of the '683 Patent by making, using, selling, offering for sale, and/or importing the Palm Bay Fan, and Defendant will continue to do so unless enjoined by this Court.

35. Upon information and belief, Defendant's infringement of the '683 Patent has been willful and deliberate.

PRAYER FOR RELIEF

In view of the foregoing allegations, Plaintiff Fanimation prays that this Court:

1. Find that Defendant's Bombay Fan infringes U.S. Design Patent No. D475,450, pursuant to 35 U.S.C. § 271;
2. Find that the Palm Breeze II Fan infringes U.S. Design Patent No. D517,683, pursuant to 35 U.S.C. § 271;
3. Find that the Twin Star II Fan infringes U.S. Design Patent No. D517,683, pursuant to 35 U.S.C. § 271;
4. Find that the Palm Bay Fan infringes U.S. Design Patent No. D517,683, pursuant to 35 U.S.C. § 271;
5. Permanently enjoin Dan's Fan City, as well as officers, agents, servants, employees, franchisees and related companies thereof, from making, using, selling, offering for sale, and/or importing products, systems or devices that infringe the '450 Patent;

6. Permanently enjoin Dan's Fan City, as well as officers, agents, servants, employees, franchisees and related companies thereof, from making, using, selling, offering for sale, and/or importing products, systems or devices that infringe the '683 Patent;

7. Award Fanimation monetary damages adequate to compensate Fanimation for past infringement by Defendant Dan's Fan City consistent with 35 U.S.C. § 284, up to and including treble the amount of actual damages assessed for Defendant's willful infringement, together with costs and prejudgment interest;

8. Award Fanimation monetary damages equivalent to Dan's Fan City's realized profits from sales of infringing devices, pursuant to 35 U.S.C. § 289;

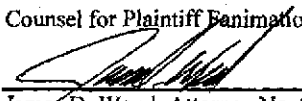
9. Upon finding that this case is an exceptional case under 35 U.S.C. § 285, award Fanimation its reasonable attorneys' fees; and

10. Grant and award to Fanimation any and all relief found necessary and proper under the circumstances.

Respectfully submitted,

Dated: August 8, 2008

Counsel for Plaintiff Fanimation, Inc.



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